

Attorney Docket No. 030441

REMARKS

Claims 1 to 57 are pending in the present application, of which claims 1, 5, 9, 13, 16, 19, 22, 25, 28, 31, 34, 37, 40, 43, 46, 49, 52 and 55 are independent. After entry of the above amendments, claims 1 to 5, 8 to 16, 19 to 25, 28 to 34, 37 to 43, 46 to 52 and 55 to 63 are pending in the present application, of which claims 1, 5, 9, 13, 16, 19, 22, 25, 28, 31, 34, 37, 40, 43, 46, 49, 52, 55, 58, 60 and 62 are independent. Applicants believe that the present application is in condition for allowance, which prompt and favorable action is respectfully requested.

I. CLAIM OBJECTIONS

The Applicants would first like to thank the Examiner for the careful review and for pointing out the informalities in claims 13, 31 and 49. Claims 13, 31 and 49 have been amended to correct the informality and not to narrow the scope of the claim.

II. REJECTION UNDER 35 U.S.C. §112

The Examiner rejected claims 6-7, 17-18, 26-27, 35-36, 44-45 and 53-54 for having an element without sufficient antecedent basis. The claims have been amended to provide sufficient antecedent basis and not to narrow the scope of the claims. Therefore, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §112.

III. REJECTION UNDER 35 U.S.C. §102

The Examiner rejected claims 1-2, 4, 5, 8-10, 16, 19-20, 22-23, 25, 28-29, 31-32, 34, 37-38, 40-41, 43, 46-47, 49-50, 52 and 55-56 under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Patent Publication 2001/0029581 issued to Knauff (hereinafter "Knauff"). The rejection is respectfully traversed in its entirety.

Attorney Docket No. 030441

To anticipate a claim under 35 U.S.C. §102(e), the reference must teach every element of the claim and "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." (see MPEP §2131).

Knauff discusses three layers of encryption (paragraph 65). It discusses a data processor having a user program holding a program key, a user key device containing a user key and a machine key device containing a machine key (FIG. 3A, and paragraphs 47 and 50). It teaches encrypting data with a session key and encrypting the session key using a public program key, a public user key and a public machine key (FIG. 5A, and paragraphs 70, 73 and 75). The session key is then sent. It also teaches receiving the session key and decrypting the session key using a private machine key, private user key and a private public key (FIG. 5B, and paragraphs 80, 83 and 85). Thus, in Knauff, the data processor already stores the three keys that are used in the three layer encryption of the key for use in the encryption of data.

Knauff does not disclose or even suggest receiving a secret key encrypted by a public key and decrypting the secret key by a private key at a terminal such that an access key encrypted by the secret key can be received and decrypted by the secret key as in independent claims 1, 22, 40 and 58.

Similarly, Knauff does not disclose or even suggest encrypting a secret key with a public key and sending the encrypted secret key at a terminal such that an access key encrypted by the secret key can be received and decrypted by the secret key as in independent claims 9, 28, 46 and 62.

Knauff also does not disclose or even suggest encrypting a secret key with a public key and sending the encrypted secret key at a content provider such that an access key can be encrypted by the secret key and sent as in independent claims 13, 31 and 49.

Attorney Docket No. 030441

Moreover, Knaft does not disclose or even suggest receiving a secret key encrypted with a public key and decrypting the secret key using a private key at a content provider such that an access key can be encrypted by the secret key and sent as in independent claims 19, 37 and 55.

Furthermore, Knaft discusses access rights of data objects to control how many times a data object can be used, whether the data object can be copied and whether a printout of the data object can be made. It does not disclose or even suggest broadcast services. Accordingly, Knaft does not disclose provisioning a broadcast access key to receive broadcast services in a terminal as in independent claims 5, 25, 43 and 60. It does not disclose distributing a broadcast access key to provide broadcast services from a content provider as in claims 16, 34 and 52.

As such, Knaft does not teach every element of the independent claims. Also, claims 2, 4, 8, 10, 20, 23, 29, 32, 38, 41, 47, 50, 56, 59, 61 and 63 depend from and include all the elements cited in the independent claims 1, 9, 13, 19, 22, 28, 31, 37, 40, 46, 49, 55, 58, 60 and 62, respectively. Therefore, Applicants submit that these claims are believed to be allowable based on their dependency from an allowable base claim as well as other novel features included therein.

For at least the foregoing reasons, Applicants respectfully request a withdrawal of the rejection under 35 U.S.C. §102.

IV. REJECTION UNDER 35 U.S.C. §103

The Examiner rejected claims 3, 11, 15, 21, 24, 30, 33, 39, 42, 48, 51 and 57 under 35 U.S.C. §103 as being unpatentable over Knaft in view of U.S. Patent No. 6,690,796 issued to Richards (hereinafter "Richards").

To establish a prima facie case of obviousness for a claimed invention, all the claim elements must be taught or suggested by the prior art. (MPEP 2143.03)

Attorney Docket No. 030441

The dependent claims 3, 11, 15, 21, 24, 30, 33, 39, 42, 48, 51 and 57 depend from and include all the elements cited in the independent claims 1, 9, 13, 19, 22, 28, 31, 37, 40, 46, 49 and 55. Accordingly, Applicants submit that Knauft does not disclose every element of the claims based on its dependency from the respective independent claims as well as other novel features included therein.

Moreover, upon review, Richards also does not discuss provisioning and distributing keys as in the independent claims 1, 9, 13, 19, 22, 28, 31, 37, 40, 46, 49 and 55. Therefore, Applicants submit that Richards does not disclose all the claim elements.

Since neither Knauft nor Richards, separately or combined, teach or suggest the claimed subject matter, Applicants respectfully request a withdrawal of the rejection under 35 U.S.C. §103, for at least the foregoing reasons.

Attorney Docket No. 030441


CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: May 2, 2005

By: 
Jae-Hye Choi, Reg. No. 45,288
(858) 651-5469

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502